

CFIVAC February 6-7, 2002 Minutes

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE MEETING

FEBRUARY 6-7, 2002- 21ST Meeting

A meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held at the NASSIF Building, Washington D.C. Representing the Coast Guard were: RADM Pluta; RADM Cross; CAPT Sarubbi; CDR Rice; LCDR Jennifer Williams; ENS Jerry Butwid; Mr. Beach, and Mr. Hummer.

CFIVAC Members

Ms. Mrs. Barbara Bragdon	Ms. Kim T. Nix
Ms. Linda Bonet	Ms. Beverly R. Noll
Mr. Jeffrey Weborg	Mr. John D. Norsworthy
Mr. James Herbert, Chairman	Ms. Kathy Ruhle
Ms. Melissa Hertel	Mr. Bill Shaishnikoff
Ms. Leslie Hughes	Mr. Gregory Switlik, Sr.
Mr. David (Nick) Jenkins	Mr. Timothy Torrence
Mr. John M. Lewis	Ms. Auria Vanison

The following committee member was absent:
Mr. David Hamaker

The meeting was brought to order by Chairman Herbert.

RADM Pluta swore in the new members: Ms. Melissa Hertel, Ms. Kim T. Nix, Mr. John Norsworthy, Bill Shaishnikoff, Mr. Timothy Torrence, and Mr. Jeffrey A. Weborg.

RADM Pluta started off by apologizing for the brief amount of time he had available for the CFIVAC on February 6, 2002, and mentioned that in a perfect world he would have spent all day at the meeting. He explained that Homeland Security among other things had kept him very busy. He recognized how CFIVAC has made an important mark on the government, that this it was the first meeting under his sponsorship, and that he hopes to make CFIVAC even better.

RADM Pluta stated that in a post September 11 world, everything has changed radically. The USCG budget has shifted. The USCG could not sustain their level of operations with the funds and resources allotted. They are trying to figure out what it will take to secure maritime safety in the future.

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He stated that USCG established itself as a force of Homeland Security with both its presence in New York City on September 11th and with anthrax incidents both in Florida and DC. He explained since then, the USCG shifted a majority of its resources, taking away funds and resources from projects that were being worked on September 10th. He noted that the USCG could not sustain such a shift permanently because it would take funds and resources away from other important missions we are responsible for, including the fishing industry. He confirmed that the USCG was trying to establish a new normalcy as well as working to redefine and realign USCG missions, with an emphasis on balance. He clearly stated that the fishing vessel industry would not be sacrificed for maritime security. He explained that the USCG has to siphon off a little funding from a lot of things to be successful and effective in the future.

He stated that he has asked Congress for the authority to change the voluntary fishing vessel examination into a periodic examination. The request is in ADM Loy's office. The USCG is asking for 50-100 people to improve our presence and ensure fishing vessels are adhering to safety requirements. He stated that he was hoping to address stability of fishing vessels under 79 feet and wants to require operators to log drills that they perform.

He mentioned that he and ADM Cross had a meeting with Dr. Hogarth of NMFS about further steps to achieve mutual goals. He closed by speaking of creating a Coastal Beacons program like the one in Maine where they have gathered the support of 9,000 participants. He explained that he desires to make everyone a sensor. He then asked that everyone keep their eyes and ears open and look for what is different in the waterways. RADM Pluta mentioned that the USCG has an 800 number that fishermen, or anyone for that matter, can call if something looks out of the ordinary. The number is 1-800-424-8892. He clarified that calling the number will put the information in the hands of someone who can really make sense of it rather than just having one person look at it on a micro level.

RADM Pluta then addressed the aggressive CFIVAC agenda over the next two days. He stated the group would be discussing important things including a security guide for the fishing community and creating a risk matrix to identify high-risk vessels or fisheries.

He explained that there are not enough funds or resources in the USCG and explained that there are 5200 critical infrastructures in the US modal system. He elaborated that they include bridges; narrow ship channels; waterside nuclear power plants; and national monuments, like the Statue of Liberty. In that context, he affirmed that the risk matrix will help the USCG find out how they can protect the most fishermen with the least amount of resources to insure the USCG and tax payers get the biggest bang for their buck.

He closed by thanking the audience for coming to this two-day meeting, and emphasized that he knows it is difficult to fly these days. He stated that the USCG sees themselves as servant leaders in the fishing vessel industry and if they are not getting it right they need to be told by whom they serve. He stated that the USCG needs to represent the people they are there to represent.

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Finally he closed by thanking the members for what they have done, what they are doing, and what they will do in the future.

RADM Terry Cross stated that the group has saved many lives over the years. He understands the restraints of the fishing industry after a tour in Alaska. He stated that the USCG focuses on Awareness, Prevention, Response, and Crisis Management: what the USCG does when prevention fails. He then commented that he would like to see the CFIVAC put the USCG out of the Response business because it will save money, will reduce USCG personnel at risk, and above all there will be no victims. He reiterated that there has been a huge resource shift and that he knows all the members have seen the articles about the lack of USCG on the fishing grounds. He wanted the committee to know that the USCG was attempting to shift money away from Homeland Security and back to previous responsibilities.

He stated in the next three years the USCG should be growing so that we will be doing at least the level of maritime non-security work that they were doing previous to September 11th. They are hoping to secure 200 civilian positions, and 400 military billets. He mentioned thus far the USCG is getting all the support the USCG could possibly want and that we are hoping to receive that from Congress also.

He welcomed new members and reminded them, that the members are to focus on incremental success, just as is usually done in DC. The key is to make the increments larger by being prepared when an opportunity presents itself. He stated hopefully this would allow us to do an even better job in the future.

He stated that NMFS is hoping to expand their observer program to put more observers on boats. In addition, if you have an observer you have to pass a safety check on your vessel and get a decal.

Ms. Ruhle questioned, if the CFVS dockside exam is a voluntary exam, how could the USCG make it mandatory before the boat can carry NMFS observers?

RADM Pluta stated our goal would be to require a safety exam if you want an observer.

Leslie Hughes noted that this practice of requiring decals before observers can be carried is very successful in Alaska, and that she thinks that, consequently the level of compliance is higher than other places in the country.

RADM Pluta stated for him an exam sticker ensures a minimum level of safety. The USCG wants to make sure that a ship is seaworthy before it leaves the dock.

Tim Torrence stated that the NMFS use of derby fishing is forcing these fisheries to be unsafe.

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RADM Pluta noted that this was an issue that has started to come up more often. In the past couple of years the USCG has become mindful of it and is in the process of bringing it up in Congress.

Chairman James Herbert took the floor to welcome committee members, new and old. He let everyone know that Dave Hamaker took ill, so there would just be 16 members in attendance. Chairman Herbert thanked G-MOC-3 for organizing the orientation for the 6 new members. He suggested that in this meeting, it would be wise to elect a new vice chairman since Peter Aparicio is no longer on the committee. Chairman Herbert mentioned that members should have their agenda before them and asked if anyone has any additions to the agenda.

CAPT Sarubbi, Executive Director updated the status of CFIVAC Action Plan. He started by welcoming the newly appointed members who included: Melissa Hertel, naval architect with Jensen Maritime, Seattle, WA; Kim Nix, public member, advocate w/ Vietnamese fishing community in Texas; John Norsworthy, fisherman from Anchorage, AK; Bill Shaisnikoff, fisherman from Dutch Harbor, AK; Tim Torrence, fisherman from Lockport, LA; and Jeffrey Weborg, fisherman from the Great Lakes (Ellison, WI).

CAPT Sarubbi then addressed the status of the 2001 vacancy slate. He stated the slate to recommend appointments to fill the 2001 vacancies (which included 1 public member, 1 education/training member, 1 marine insurance member, and two fishermen) has been developed and is being reviewed by Coast Guard legal staff. When those appointments have been made, we will say goodbye to the following members: Ms. Linda Bonet, Seattle, WA; marine insurance underwriter; Mr. James W. Herbert, Seward, AK, commercial fishing industry; Ms. Leslie Hughes, Seattle, WA, education/training; Ms. Barbara H. Bragdon, Dennisport, MA, public member; and Ms. Kathy D. Ruhle, Wanchese, NC, commercial fishing industry.

CAPT Sarubbi reminded the following terms are due to expire October 31, 2002: Mr. David Hamaker, Commercial fishing industry; Mr. David M. Jenkins, Commercial fishing industry; Mr. John M. Lewis, Commercial fishing industry; Mrs. Beverly R. Noll, Commercial fishing industry; Mr. Greg Switlik, Sr. Equipment manufacturer; Ms. Auria Vanison, General public.

Beverly Noll raised an important question, which her letter said it was a 3-year term, but it turns out to be a 2-year turn because the process to get on to the slate was a year to a year and a half.

CAPT Sarubbi answered it usually averages out to 2 or 3 years since it will take incoming members that long to get on the slate themselves and noted that they are working on the process.

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He asked committee members to keep in mind that although your term is due to expire in October, you will not be removed from the Committee roster until the Secretary has made the formal appointments by letter. CAPT Sarubbi clarified that since the appointment process does take some time to be approved, it means that a given member will almost likely be back after their term is scheduled to expire. He encouraged each eligible member to apply for re-appointment to the committee. The guidance we have been given is that members can be re-appointed to a second consecutive term if approved by the Secretary.

CAPT Sarubbi asked all members who are interested in re-appointment to please see Mr. Rusty Hummer for an application. He also noted that members are welcome to fill out the application during the meeting and give it to Mr. Hummer before the meeting concludes. The USCG expects that a Federal Register announcement soliciting new applicants will be published in March. He suggested that if the members knew of any people in the industry that would like to participate on this Committee, please tell them about the application process.

Ms. Noll voiced her concern about continuity among committee members and among the USCG's CFVS staff.

CAPT Sarubbi answered that G-MOC is interviewing to hire 2 more civilians, which will allow for more continuity on the CFVS staff.

CAPT Sarubbi addressed the staffing and resource issues. He introduced Dave Beach, the new division chief, Rusty Hummer; the newest civilian employee, who just started 28 January 2002; and then he mentioned that he was expecting to hire one more civilian employee before May. CAPT Sarubbi stated that there is a resource proposal being processed that requests an additional 64 billets to help augment the field examiners and meet the increased workload that would result, if the periodic dockside exams were approved.

He noted that the Department of Defense (DOD) has again awarded the Commercial Fishing Vessel Safety (CFVS) program additional funding to augment the CFVS budget. CFVS program will receive \$300K from DOD in order to fund the training and drilling of USCG reservists to help augment our full time staff in CFVS duties. He noted this is especially helpful during a time when the USCG is putting extra resources and focus on other areas such as Homeland Security. CAPT Sarubbi noted that since 9/11, most of the Coast Guard's resources continue to focus on Homeland Security. He let the members know that even his office lost several billets; including one of his active duty LT CFVS billets to help form a new Port Security directorate. He stated that the new focus on Homeland Security has had a ripple effect throughout the USCG. According to the CAPT, the USCG has lost many CFVS billets throughout the districts and units to help ramp up Homeland Security efforts and to develop new security policies and regulations. He then said that they were able to place a new CFVS billet at each RFTC and at the Yorktown training center; these billets will be filled this summer. He stated they are there to teach the CFVS portions of classes and help develop the training materials.

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CAPT Sarubbi spoke next about improvements in CFIVAC management. He noted at the last meeting, the committee made several recommendations in order for us to better serve the committee. He further noted that most of those recommendations were acted upon; he hopes that members are satisfied with the improvements.

CAPT Sarubbi spoke about the improvements that included providing new members with an orientation, which covered background and history of the CFIVAC, what the USCG expectations are of the committee members, and explained other areas of the Coast Guard organization and processes that affect CFIVAC. The orientation was designed to help them fully engage in their first meeting.

He further commented that G-MOC reviewed all the old CFIVAC minutes that were on file and read them for recommendations the committee made. He stated that with that information, G-MOC compiled the list that members were all provided in their read-ahead packages. He said the list is still a work in progress, as it is very time consuming to determine the status of each recommendation made during previous meetings; however, we hope that this list is useful to the members in knowing what was recommended by previous committees and members who are no longer serving.

CAPT Sarubbi affirmed G-MOC has also developed a sub-committee history to help keep CFIVAC focused on what task orders were assigned to the committee and which task statements the various subcommittees have completed. By providing a history of task orders that have been assigned as well as a status block, members will be able to track expected deliverables. CAPT Sarubbi stated this way if the subcommittee so decides, it also provides a method to formally close a task without action. Finally, he stated that G-MOC has provided read ahead material, well in advance of the meeting. He felt this task statement was one thing he would have liked to given to members with the read ahead material. He apologized to the members that were not provided the new task statements earlier, but commented that hopefully the CFIVAC will still be able to make progress in those areas.

Next CAPT Sarubbi spoke about the updated action plan. He stated that it includes the status the Legislative Change Proposal (LCP). He explained that LCP is vetted internally through the USCG and is now under consideration by Congress. He clarified that by October 2002, the USCG should know if Congress authorizes this legislative change. He stated that in the meantime, we need CFIVAC's help in preparing our plan for how to examine all or a portion of the industry with a risk based decision-making tool.

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CAPT Sarubbi also updated CFIVAC on regulation project status. He confirmed that a work plan to require stability and watertight integrity standards on vessels less than 79 feet is in clearance. He explained that the regulatory project will also include the requirements for immersion suits on vessels operating in seasonally cold waters and training certification revisions as discussed by the training subcommittee. He then noted the changes that responded to the training subcommittee, which recommended we require at least one person onboard with training in drills and instruction while the vessel operates. He continued that the training subcommittee also recommended that a mandatory refresher for the subject training (at least every 5 years) be added as a requirement. The next step is to actually get the project docketed and write the NPRM. He further stated that his goal is to publish an NPRM by this summer. CAPT Sarubbi asked for committee members' comments with regard to the stability text that CFIVAC previously provided to the Coast Guard.

CAPT Sarubbi updated members on the status of the USCG's new Marine Safety and Law Enforcement database, MISLE, letting the members know that it was deployed in December 2001 and is currently being used to capture the activities of fishing vessel boarding officers conducting courtesy exams. Future updates to MISLE are coming later this spring. It will provide the capability for boarding officers conducting USCG law enforcement boardings on fishing vessels to enter the results of their activities as well. He clarified that MISLE will provide program managers, fishing vessel safety coordinators, and fishing vessel boarding officers the capability to monitor these activities and collect data that will be used to measure the effectiveness of our Commercial Fishing Vessel Safety program.

CAPT Sarubbi noted that they continue to seek ways to coordinate fishery management with safety. He further explained that in January, RADM Pluta met with NMFS Director, Dr. William Hogarth, who is very willing to work with the Coast Guard to improve vessel safety. He stated that they are in the process of re-writing their observer program policy stating that all vessels needing to be observed, must first obtain a CFVS decal. CAPT Sarubbi clarified that this is already being done in some regions such as the Northwest.

CAPT Sarubbi briefly described other G-MOC projects that are new since the last meeting. He confirmed that they revised the CG 4100F boarding form used by law enforcement officers during at sea boardings. He explained that the revisions were intended to make the form easier for boarding officers to use. He stated that G-MOC-3 would also revise CG exam form, a checklist used by dockside examiners during safety exam. He confirmed that revisions being made to the form are intended to make the form easier for CG to use while onboard. He also said that the MOC-3/Fish website has been updated with current information, including information on CFIVAC.

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CAPT Sarubbi closed by speaking about the events of 11 September and how they have dramatically altered the USCG's focus, in both the marine safety and operations missions. He continued to say that most resource capabilities have been directed toward added Homeland Security missions such as advanced notice of arrivals, security patrols by cutters, and the sea marshal program. He explained the effects have been felt in staff environments, for example CGHQ, and in most field units. He stated that a message was sent out almost immediately after 9/11 that recognized the fact that many units were being tasked with enormous extra duties, and that some of the USCG's other missions, although still important, might not be performed due to increased operations. One of the missions downgraded was CFVS. He clarified that it was stated in the message that CFVS exams not be conducted unless specifically requested by the fishermen. This eliminates efforts, like walking the docks; to free the members to conduct other security related duties. The USCG estimates that there has been a reduction of CFVS activities in some areas, but the big fishing regions such as Alaska, Seattle, and the North East still continue at nearly the same tempo of CFVS activities.

CAPT Sarubbi continued to say that other USCG initiatives to change regulations, develop policies, and obtain adequate resources have not been forgotten. He stated that there are seven new regulatory projects currently underway in the Marine Safety Directorate that is directly related to security. He explained these projects have taken priority, thus creating a delay in other project deadlines. He clarified the USCG hopes that this will not affect the F/V regulatory projects already underway.

He stated that the USCG's is attempting to return to an operational state we are calling the new "normalcy". He explained that for now, the USCG recognizes that other vital missions have taken a back burner to the security missions. He let the members know that it is the G-MOC's expectation that the USCG will continue to focus on core missions with a heightened focus on security. CAPT Sarubbi confirmed the new regulations and requests to obtain additional funding or other resources would eventually help the USCG establish what is being called the new normalcy.

Leslie Hughes questioned the status of palm pilot project. She questioned if nationally the USCG dockside examiners were going to stick with palm pilots or laptops. She supported the value of standardizing dockside examiners' application of the fishing vessel regulations, and that the palm pilot project would be useful to fishermen, equipment suppliers, trainers, and others.

Beverly Noll questioned if palm pilot training falls into the USCG jurisdiction. She stated that she thinks we have all discussed it and the continuity is not there, furthermore the committee has already discussed this.

Tim Torrence asked if there was something about capturing casualty info.

CAPT Sarubbi answered that this was something that could be addressed.

Chairman Herbert asked the committee if they approved the minutes?

A motion was sent to the floor. Herbert stated that he had concerns with page 42, and asked if there were any additions?

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Minutes of the previous meeting were approved.

Chairman Herbert then stated that the committee was about to move on and spoke of the tragedy of the trawler ARCTIC ROSE. The vessel was north and west of the Pribiloff Islands when at 3:00 am the vessel's 406 EPIRB alarm went off. The owner was contacted, but could not raise the ship. A sister ship received a call at 7:30 am and found 2 empty life rafts. He concluded that all 15 people perished, and it is one of the largest losses of life in the U.S. in recent times. He reminded the committee that the ocean was cold and unforgiving.

He stated that Leslie Hughes attended hearings in Seattle and that there they created scenarios, but the public will probably never know what happened that night. He further clarified that hopefully the committee could continue to get updated information on this subject.

ENS Navin Griffin next presented information on the F/V ARCTIC ROSE.

The summarization included the known events that lead to the capsize of the F/V ARCTIC ROSE. The F/V ARCTIC ROSE sank in the Bering Sea on April 2, 2001 with a crew of 15. Unfortunately there were no survivors. The wreckage was located 200 miles NW of ST. Paul Island in the Bering Sea. This was the worst U.S. commercial fishing vessel accident since 1951.

Key information that is known about the F/V ARCTIC ROSE is that it was a 92ft trawler. It was built in 1988 as a shrimp trawler and was owned by Arctic Sole Seafood Inc. The Marine Board of Investigation was convened by the Commandant, and is being led by CAPT Ronald Morris. The investigation is currently ongoing. The USCG performed two Remotely Operated Vehicle (ROV) dives in July and August of 2001. The USCG has been gathering testimony for the investigation in a series of hearings and interviews May – November 2001 in both Anchorage and Seattle. There is concern over the F/V ARCTIC ROSE's stability analysis and weather tight integrity. The investigation will be completed in June 2002. He then showed video of the ROV dive.

The marine board went into great detail in an effort to determine the cause of this casualty. Every expert gathered information to come up with his or her ideas on what happened. ABC will have a show at 10 pm tomorrow (2/7/02) on the F/V ARCTIC ROSE. National Transportation Safety Board (NTSB) participated in the initial hearings. The committee will probably look at the marine board report.

The formal investigation has already used up contingency funds for last year and about half the funding for this year. The board has not finished, still conducting stability analysis.

Mr. Burke asked is this common or not common to find out why it sank.

ENS Griffin stated that the USCG tries to tailor their investigational efforts in order prevent events in the future, plus the loss of life.

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Mr. Torrence asked if there has been any investigation on converted gulf vessels that are now west coast fishing vessels, meaning how they survived in the Bearing Sea.

Mr. Beach stated that there were initial reviews on that issue in New England and they concluded that the more serious problems had more to do with the age of the vessel than the location where it was built.

Ms. Hughes stated she witnessed quite a wide range of testimony. She clarified that some witnesses went back to a different owner and before modifications were made, so the comparisons seemed inappropriate to the ship at the time of the sinking.

She stated she was more interested in the comments from the observer that got off two weeks prior to the disaster. Hughes stated the observer said she was confident in the ship and its crew. Hughes is concerned we will never know what caused the loss of F/V ARCTIC ROSE and, consequently, we won't benefit from "Lessons Learned." She likened the marine board investigation to a "discovery process" for a grand jury.

Chairman Herbert asked if there was any redoing of the stability report?

Ms. Hughes noted ballast modifications were made, and were within those allowed by the report, so far as she knows.

LT Borlase stated that the vessel was not required to have stability information on board according to 46 CFR Part 28. However, there is a stipulation that the F/V ARCTIC ROSE must have had 25,000 lbs in the hold before leaving port. The owner complied by adding concrete and steel boiler plates. LT Borlase then discussed the modifications and their affect on stability and trim.

Mr. Lewis asked if the stability tests were done with add ons.

LT Borlase stated the incline was done before she (F/V ARCTIC ROSE) was put in dry dock, so the inclining did not include the propeller shaft, or vessel modifications.

Mr. Lewis asked if there were no retests.

Ms. Hertel asked if the weights (mentioned above) were accounted for in the stability analysis.

ENS Griffin answered yes.

Mr. Colletti asked if she had been fishing and did she have cargo in the hold.

ENS Griffin answered yes.

Ms. Hertel asked how many people were on watch.

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ENS Griffin answered there were conflicting stories on this, but they estimated five people would have been up.

Mr. Lewis questioned what the major questions were as far as sister ship and then mentioned fatigue and long hours.

ENS Griffin stated that the marine board was taking a good look at all these things; the public will have to wait until the final report.

An attendee stated that the weather was not extraordinary, and that vessels are typically used to be in worse conditions than this; could be because it was a gulf boat; the boat does not look like it was on autopilot. He stated he had no real personal insight.

Dave Dickey followed with his presentation on F/V casualty statistics database update involving data for the years 1999-2000. He indicated that he planned on including an overview of fishing casualties, lost vessels, fatalities, and safety indicators.

There was an emphasis on the fact that there are a lot of different ways to view this information. The focus was primarily on high-level numbers and that the CFIVAC periodic exam subcommittee will be meeting tomorrow to look at risk factors for prioritizing exams. Casualty data may be able to help define high risk factors.

During a 3-week period in the winter of 1998/1999 there were four casualties in the Mid-Atlantic waters, which resulted in the deaths of 11 fishermen, (and significant media interest). After this cluster of accidents, a task force of governmental and industry representatives were chartered to study trends in F/V safety (among other things). The Task Force report of March 1999 provided a series of short-term and long-term recommendations. The report also included a high-level review of casualty data for calendar years 1994 – 1998.

Shortly after the Task Force report was released, the USCG began receiving requests from the industry and senior CG managers for additional details about F/V casualties. They collaborated with the Fishing Vessel Safety Division and prepared a follow-on review, to provide more information about why and how such incidents occurred. The report was distributed in October of 1999. It has been a little over two years since that report, so the committee decided to extract the 1999 and 2000 casualty information from the database and is working on an updated version of the report.

The figures in the presentation were from a seven-year period. There were 916 lost vessels and 466 fatalities. 218 of those deaths occurred at the same time a vessel was lost. That equals an average of 131 lost vessels and 31 fatalities per year.

More than 27% of losses occurred in 17th District, (Alaska), followed by the 8th District (Gulf of Mexico) and the 7th District (Southeast US).

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The next chart revealed vessel loss figures were presented graphically. There was a dramatic drop in CY 2000. Perhaps it was due to the increased emphasis on F/V safety after the task force report was released in 1999.

On April 28, the Assistant Commandant for Operations and the Assistant Commandant for Marine Safety & Environmental Protection, after consultation with the Fishing Advisory Committee, released an official message describing a series of short term and long term actions to enhance F/V safety. The short term actions included: increased emphasis on safety items during at-sea boardings, additional training for boarding officers and stepped up outreach activities. During the fall and winter of 1999, each of the USCG Area Commanders announced their own initiatives to reduce F/V casualties – “Operation Safe Catch” in Atlantic Area and “Operation Safe Return” in the Pacific Area. These initiatives placed additional emphasis on safety items during at-sea boardings. Mr. Dickey also pointed out there was a significant increase in the number of dockside exams. Perhaps it was these initiatives that caused the decline.

Ms. Hertel questioned this conclusion because analysis of the Casualty Data shows the following:

2001 Commercial Fishing Industry Casualty Data				
	Deaths	Deaths (% of Total)	Incidents	Incidents (by %)
Boats with Decal	26	46%	51	~ 40%
Boats w/Exam but No Decal	8	14%	24	~ 20%
Boats without Exam	16	28%	53	~ 40%
Unknown	7	12%		
Total	57			

Since only about 10% of all boats are examined (and presumably even less get a decal) and boats with decals account for more than 45% of the deaths, it appears that the dockside exam is missing a significant cause of death. In addition, boats with decals are involved in ~ 40% of the incidents. Therefore, it appears that the dockside exam is also missing a significant cause of vessel casualties. This data does not support the conclusion that the dockside exam is contributing to vessel safety.

The charts showed casualty figures by fishery and vessel type. Just over half of the values are “unknown”. The next two entries, shrimp and crab fisheries, account for 23% of the casualties.

The high number of unknown values is caused by the design of the database they had been using, MSIS, a system, that was developed in the 1980’s and was not structured to collect the fishery or vessel type information. Reading the narrative comments in each case generated the numbers on the chart. Unfortunately, the Investigating Officer did not always mention the fishery or vessel design in the report.

The USCG now has a new database system known as MISLE, which has the capability to capture more detailed vessel information; it has been in use since December 21, 2001.

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Two-accident types account for 71% of all fatalities. They are: vessels that were lost due to flooding, sinking, or capsizing; and persons falling overboard. Thus, water exposure is the major cause of crewmember deaths. Mr. Dickey's presentation included common cause of death breakdown.

It was interesting that the three highest counts are all along the West Coast of the U.S.; accounting for over half (58%) of these fatalities; in fact, the next two highest districts are adjacent to one another on the Mid-Atlantic/New England Coast, (23%), followed by Gulf of Mexico and Southeast US (16%). This suggests a relationship between the severity of weather, water temperature and fatalities, with the most severe weather and coldest water along the west coast.

More vessels are lost between October and January than in the rest of the year. Eighty-two of the 127 deaths, or 65% of the total, occurred in those four months.

It was indicated that this high fatality rate may be an indicator of higher risk during winter months; or perhaps there is a correlation with the dates of the various fishing seasons. He stated that up to this point in the presentation, he had presented vessel loss and fatality information using a variety of factors, including: region (district), time of year, operation, and cause. He further explained that there are more ways to study this data than time permits today. He gave the following examples:

- Casualties should be compared to vessel length and gross tonnage.
- Comparison of casualties in relation to the boundary line, territorial waters, etc.
- Trends, he would like to retrieve the 1992 and 1993 data, in order to examine trends. As this work continues, we hope to include our findings in an updated version of the casualty report.

Mr. Dickey asked the committee to examine whether a vessel has the required safety equipment, will it affect the number of lives lost. He indicates that lives can be saved, when required safety equipment is available and used properly.

He thanked the audience and asked if anyone had any questions.

Mr. Jenkins asked if the group had any idea on how the number of the lost vessels compared to the total number of operating vessels in the area.

Mr. Jenkins stated that there is no good agreeable source on how many operating vessels there are in each region. He stated that it could be an objective of this task force for its matrix.

Ms. Hughes asked for a brief run down on USCG districts.

Mr. Beach did so.

Mr. Torrence asked if derby fishing information was captured because that could be really helpful.

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Mr. Dickey stated not that he knew of.

Ms. Ruhle asked why the product (fishery) was used as a divider instead of the type of fishing it was doing, because she felt this represented a higher risk.

Mr. Dickey said that they were always looking for suggestions and would take that in to consideration.

Ms. Hertel stated that she thought “capsize” was a bad category, because there are many reasons for a vessel to capsize. She clarified that this is the end product of a chain of events. The investigator should try to determine the first event in the chain rather than simply record the outcome.

Mr. Dickey reemphasized there is always opportunity for refinement.

Mr. Torrence questioned if the weather category was very deceiving because all of the other factors are affected by the weather.

Mr. Jenkins asked if it was reasonable to say that the MISLE system will take some others suggestions into consideration.

Mr. Dickey stated he was not sure.

Mr. Jenkins asked if there was a new format for reports.

Mr. Dickey stated they are not sure yet because the USCG just started to look at 2001 data 7 weeks ago.

Mr. Switlik stated that from the statistics the committee could not really address the problem the USCG is dealing with; there are a number of chains of events that can be coupled. He does not think anyone in the group can tell what went wrong by looking at the charts. He stated that it has always bothered him that they have never looked at man overboard, which is a significant amount of casualties per year. He commented that, if these studies could say what is causing deaths at sea, and then operators could be prepared and prevent them.

A representative from the USCG stated they have a partnership with the towing industry and are talking about working on an analyzing working group, and then the USCG can distribute info to towing industry. He stated that if the committee has any ideas they would be more than happy to take the committee’s advice.

Mr. Switlik questioned whether or not the equipment used is being listed in the reports. He then commented that as an equipment manufacturer, he couldn’t come up with better ideas, if he doesn’t know what goes wrong.

Ms. Bonet mentioned the committee has requested this information in the past.

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Mr. Dickey told the committee to let him know what information they wanted, and he would do his best to help.

Ms. Hertel questioned if investigators are trained or do they just use a checklist.

Mr. Dickey stated that there was not a real defined system in place.

Mr. Beach stated that the old system was limited in many ways including the number of blocks and ways to sort. He further explained lot of this info was in the narrative and that the new system is given more info and sorting capabilities.

Mr. Torrence questioned what would happen if someone died of a heart attack because he had been working 36 hours on a derby fishery. He suggested that derby fishing, not the heart attack was to blame.

Ms. Noll reiterated they have asked for this data in the past.

Mr. Dickey answered that he would be happy to help.

Ms. Hertel voiced concern that perhaps the USCG is being crippled by their tool, and it may be easier to analyze the data using Excel since the amount of data is not very large.

Someone suggested looking at vessel length and boundary line or if decals were more than two years old.

Ms. Hertel stated it seems, as decals don't help if 30 % are going down even if they have one.

Mr. Dickey stated population and regional issues.

Ms. Ruhle stated the only time that decals are 100% are the day a vessel gets the sticker and the day they are boarded.

Ms. Ruhle stated that she would be happy when decals are mandatory because they have misused so much time talking about the decals.

Ms. Bragdon questioned whether there is a correlation between good economy and vessels being more equipped.

Mr. Burke suggested working more closely with the USCG to get the information they want.

Ms. Noll suggested the data committee could work more on this.

Mr. Torrence stated that too much information is learned after the fact; the USCG needs to focus on problems as they present themselves.

Ms. Hughes asked if the USCG accident reporting forms (2692) were being modified, so better casualty data could be collected and shared.

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Mr. Dickey stated he is not aware of one.

Mr. Switlik stated that he wants to know more about vessels lost without people being killed and why it turns into environmental search. He wants to know more about equipment failure. He explained that this could prevent loss of life in the future. He stated that equipment manufactures couldn't make products better, if they don't get info from the USCG.

Someone suggested creating a subcommittee to address how the USCG can better capture data.

Next Dr. Johnson and Mr. Womack appeared at their own request to make a presentation to the committee. See Appendix A for Dr. Johnson's presentation and Appendix B for Mr. John Womack's presentation.

(These presentations were given by members of the Society of Naval Architects and Marine Engineers (SNAME) Ad Hoc panel of Fishing Vessel Safety. The information presented represents the opinions of the working group members, not the final recommendations by SNAME.)

Mr. Lewis commented that from an operational standpoint, this looks far more usable.

Mr. Womack commented that they are still working on doing the damage stability.

Mr. Jenkins said that he also thinks it will be far more usable, and asked when it would be coming out. He also commented that he is glad that SNAME can translate for the people using it.

Tim Torrence asked if you could use it for off shore supply vessels.

Mr. Womack stated they think so.

Ms. Noll stated that the plan seems as though it was geared towards new boats and asked if a company is not building any more vessels what should we do.

Mr. Womack stated the one that is the example is for an old boat.

Ms. Noll asked have they thought about dealing with a smaller boat fleet.

Mr. Womack stated public outreach.

Mr. Womack stated SNAME would like to do a ton more stability tests with a number of carriers.

Ms. Hughes asked Ms. Vanison if her company required small boats to have stability data.

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Ms. Vanison stated that her insurance company requests stability data on small boats engaged in certain fisheries, but not on all small boats. In general, most insurance companies do not appear to require any stability data on small boats. Also, insurance brokers have trouble selling the idea to the small boat owners when it's not a Coast Guard requirement and is not widely required in the insurance community.

Mr. Norsworthy asked if this Matrix is similar to an aircraft load program, in which they could enter various load and weather conditions. He also asked if they foresee that with this program.

Mr. Womack stated yes, but it is a little more complex than that.

Ms. Hughes stated that most fisherman in her area have laptops so that it should not be too hard to make the spreadsheets accessible.

Mr. Lewis stated a lot of people are waiting to have an accident because they know so little about stability. He commended SNAME for doing great work.

Ms. Noll suggested they are in for a challenge as far as outreach.

Mr. Lewis asked how SNAME was planning to get information to boats and how many trainers they were planning to have.

Mr. Womack stated they are still working on that, they are considering marine surveyors.

Ms. Hughes stated they needed to work on outreach with smaller fleets.

Mr. Womack commented that in reality, SNAME can only tell them what their risks are.

Ms. Hughes also suggested that insurance companies could be influential by insisting those small boats be required to have stability data on board, although they have never done that, because they are so competitive.

Ms. Vanison stated that insurance companies need to understand the need for the stability data on small boats in order to make it really worth while. If insurance carriers and brokers do not understand the value and need for the data, it would be hard to enforce without Coast Guard mandate.

Ms. Vanison asked about costs to provide stability reports for small fish boat owners.

Mr. Womack stated that he doesn't really look at it- it is a cost risk analysis, because that is for masters to do. Then he asked how much risk do insurance companies want to take on.

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LT Russell Holmes presented information on the Vessel Security Branch within the Maritime Security Directorate at CGHQ. See Appendix C.

Mrs. Frances Fragos-Townsend, Director of Intelligence, presented next on the USCG Intelligence Program. See Appendix D.

Mr. Colletti, representing the National Association of Marine Surveyors (NAMS), appeared at his own request and spoke about Marine Surveyors (MS).

NAMS was formed to establish credibility and uniform standards of Marine Surveyors. They have about three hundred members and meet two or three times a year. MS are basically marine consultants. There are several routes by which one could become a marine surveyor: some have sailed, others were in the USCG (M), and others have retired from maritime academies, Lloyds', ABS, others were observers, or are examiners or inspectors. There are three subcategories of being an MS: cargo, hull and machinery, and yacht. One must pass a written exam that is graded by their peers. Many insurance companies prefer a certified MS. After being examined, one can become a fishing vessel inspector. An examiner decides whether a vessel has the right equipment, proper, not expired. If it complies, one can issue a decal.

Someone asked, if a vessel did not have a decal, then what procedure must the USCG follow.

LCDR Williams responded the USCG must do a more extensive check.

Mr. Colletti stated NAMS and SAMS are okayed by the USCG, and that neither organization has an interest in the fishing industry, except safety.

Mr. Colletti stated a MS could look beyond the obvious, sees things immediately, but cannot write up things that are wrong that are not specified on the list. MS offer a valuable service. NAMS are also trained and skilled reporters.

Ms. Nolls asked if they distribute the same decals.

USCG provides stickers to the third parties who distribute them.

Ms. Noll asked if there was a cost.

Mr. Colletti stated yes that is how they make their living.

Someone asked if surveyors have to pass the test?

Mr. Colletti stated yes.

Ms. Bonet clarified that MS are not necessarily tied to NAMS or SAMS; there is not necessarily a license.

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Mr. Colletti stated that is true there are some that are not members.

Mr. Lewis asked if they were self governed, then followed up with does that make sense.

Mr. Colletti stated yes we are policing ourselves.

Mr. Lewis stated he sees what he means; there is no license from the government.

Mr. Colletti stated that the test is multiple choice and includes comprehensive questions.

He used the example that USCG works very closely with ABS because they have technical staff in offices all over the world. Then he qualified that NAMS does not qualify in tech staff, but they are an accepted organization.

Someone asked if USCG does it for free than why pay for it.

Mr. Colletti suggested some members have gone to Yorktown for training.

Someone asked if he knew how many decals had been issued.

Mr. Colletti stated he did not know.

Mr. Herbert took time in between breakouts and the reporting back to find out where committee members want to potentially have meeting this year in the late summer.

The group preferred late August.

Suggestions for meeting next year included Wisconsin, North Carolina, California, San Francisco, Long Beach, Seattle, Tampa, New Orleans, Wilmington, Sturgeon Bay, Hampton Roads, and Monterey.

Chairman Herbert thanked the committee for the good ideas and asked for nominations for a new vice chair.

Ms. Ruhle suggested Mr. Jenkins.

Mr. Jenkins nominated Ms. Noll.

Mr. Norsworthy nominated John Lewis.

Mr. Switlik declined to be nominated, because he felt a fisherman should hold the position.

Mr. Jenkins won the election to be vice chairman.

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Mr. Torrence requested time to talk to CFIVAC about the desperate need for an end to the derby fishing in the Gulf of Mexico. He is accepted as an expert witness in vessel operations in the United States District Courts in the Eastern and Western Districts of LA. He is qualified in this field in numerous LA state courts. He holds a 500-ton master's license and able body seaman, any waters, unlimited.

There is a situation in existence where the government agency, NMFS is dictating when fisherman must fish regardless of weather conditions. This policy forces the snapper fleet to engage in high risk fishing operations with opening being in the dead of winter, February 1st to be exact. This is in direct conflict with National Standard 10. The creation of derby fishing has established the most hazardous, unsafe work environments that exist at sea in modern times, with vessel pitted against one another fishing for their share of the quota. The NMFS has created a situation where vessel operations are forced to work on a 24 hour a day basis, during any weather conditions that prevail while the season is open. The USCG requires that licensed vessel operators operate only 12 hours a day. There are very few fishing vessel with licensed personnel, yet these vessels are operated on a 24 hour a day basis with unskilled, untrained personnel standing wheel watches after having worked long hours fishing. This leads to extreme fatigue and exhaustion with a loss of mental alertness. It places the vessels and personnel in danger from adverse weather conditions and often results in vessels proceeding to sea that are not seaworthy. Almost every season, fishing vessels are involved with collisions with oil structures groundings and men lost overboard. The operators are forced to sail into adverse weather conditions in an attempt to make a living knowing that they could be found guilty of reckless and negligent operation should a mishap befall them. It is only a matter of time, if derby fishing continues, before the snapper fleet will be caught in an unpredicted storm or fast developing low pressure system with the loss of vessels and life.

Ms. Bragdon stated that in Alaska certain fisheries, the USCG determines when the fisheries are going to open and when it is safe to fish.

Tim Torrence responded the problem is the Gulf has 5 states involved.

A representative from NOAA suggested getting NMFS to work with you.

Tim Torrence stated that derby fishing is in direct conflict with Magnuson Safety Act concerning safety at sea.

Someone responded that it is not in direct conflict with the Magnuson Act because the act states the standards must be practical. Then they suggested talking to a USCG 8th district representative with the Gulf council to recommend change to the regulations because they could also recommend short term mitigating measures. They stated, with an additional push from the USCG the chances of getting something through is much higher.

Someone asked: How safety-oriented are the fisheries Management Councils?

Another answered it is important to look at the process and identify that there are many standards that they look at and the end result is not always the most safe.

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Another member stated that the USCG needs to look at how process is carried out and see if they can alter the decision making process; that is why it should be entered to the record- if it comes from G-MOC there is a better possibility that the fisherman will see some results.

Mr. Jenkins asked if there is a mechanism to get feed back from fisherman about NMFS, because he has concerns in New England.

CAPT Sarubbi answered yes.

Ms. Ruhle commented that all the council really thinks about is whether regulations can be enforced or not.

Mr. Weborg stated that decisions are routed through chains in M and O and other chains so that things get diluted.

“M (Marine Safety) and O (Operations) need to communicate better,” said a member of the USCG.

Tim Torrence stated that his primary concern is that there is not enforcement of laws for safety.

Chairman Herbert asked if the committee could have an update of action and progress from G-MOC on what is happening on this safety versus and enforcement issue.

CAPT Sarubbi stated that G- MOC would be responsible for an update.

A representative from NMFS said he would bring up the issue with his organization.

Mr. Ruhle stated they postpone baseball games because of weather, why would the fishing seasons not be postponed for the weather.

LCDR Williams said there was not time to review the proposed stability regulations text, but asked members of the committee to review it at home and submit comments. Mr. Beach reviewed the National Training Curriculum, OSHA & Supreme Court Ruling, and Recent H₂S Death.

Chairman Herbert stated OSHA being given the ability to regulate uninspected vessels could really affect the fishing industry; only one fishing vessel in the country is inspected.

Mr. Beach described the Supreme Court decision to reverse the Circuit Court’s decision that ruled USCG had jurisdiction over working conditions on inspected and uninspected vessels.

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He explained that the decision did not change the USCG jurisdiction over fishing vessels, but shares jurisdiction over uninspected vessels. However, the U.S. Supreme Court has determined that, because the USCG exercises minimal oversight of “uninspected vessels” of the United States, OSHA (Department of Labor) shares jurisdiction over working conditions thereon. In the case Chao vs. Mallard Bay Drilling, Inc., OSHA cited Mallard Bay Drilling, Inc. for unsafe working conditions on its oil and gas exploration barge. Mallard Bay challenged the citation, contending that the USCG exclusively regulated working conditions on its barge. The Supreme Court ruled that, because the USCG has neither affirmatively regulated the working conditions at issue nor affirmatively asserted comprehensive regulatory jurisdiction over working conditions on uninspected vessels, it has not taken sufficient action to preempt OSHA from regulating specific working conditions on such vessels that have not been addressed by the USCG.

He clarified that the USCG supported arguments in favor of the Supreme Court’s decision.

Mr. Beach stated that he doubts OSHA will police small boats as they do construction sites.

The committee briefly touched on the issue of fisherman being suffocated on boats. Someone suggested distributing more information on this topic in order to save lives (involved lack of Oxygen and presence of Hydrogen Sulfide H₂S).

LCDR Williams stated that it is on the CFVS website.

LCDR Williams stated they submit articles to the National Fisherman, but the USCG does not have the power to decide which article gets published.

Mr. Ruhle stated that there needs to be more research, because of the incident in RI, where there were no chemicals on board.

Ms. Nix reemphasized the need for training.

Ms. Noll and Chairman Herbert agreed that training policies needed to be updated as well as use more outreach.

Security Subcommittee

Beverly Noll- reporter, Greg Switlik- chairman, John Lewis, John Norsworthy, Tim Torrence, Juan Levesque (NMFS), LCDR Steve Shapiro, LCDR Jennifer Williams

The Security Subcommittee was tasked with answering the question does the Commercial Fishing Industry have a role to play in Homeland Security?

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The sub-committee felt there is a definite role for the industry to play in homeland security. It is important to define the fishing communities' role for the American fishermen to be on watch to report suspicious activity and maintain the security of vessels and ports.

The CFIVAC stated it was important to maintain communication and awareness within the commercial fishing fleet.

The subcommittee thought this could best be communicated through developing a window decal/sticker, brochures, and posters. These all should be translated into different languages as needed.

The subcommittee thought it would be best to distribute these things by mail, internet, hand delivery to: Coastal & offshore fisherman, CG Auxiliary, Local CG (uniformed and civilian employees), Fish houses/ dealers, Observer programs (NOAA/NMFS-permit regional offices), State agencies (marine patrol), Insurance companies, Marine surveyors, Local fisherman associations, Harbor masters/ marinas, Local law enforcement, Local boating community residents, Industry reps (manufacturers, fishing companies), Local media (print, radio, TV, PSA), settlement house, and fish auctions.

They decided that local contacts are preferred method of reporting. Local districts should feed into national reporting mechanism. However, for those individuals that do use cell phones, any means to contact a 24-hour watch will work.

It was also agreed upon that for safety reasons reports should be made by any means possible, keeping in mind personal safety.

What other regional issues should be addressed in the guide?

Under "things to watch for" regional districts should provide information pertinent to their area. LCDR Burch provided a reference list. Someone added for the Gulf region, diving near offshore oil structures without proper flags/ identification should be added.

The subcommittee requested one revision to the strawman: leave space for local/regional specific issues. They also suggested changing the wording of "empty trash frequently" to "adhere to federal trash management plan," and under "vessels": "Stay alert for unusual activity of transient vessels".

REGIONALIZATION – Boundary Line Location

Barbara Bragdon (Chairman)-Kathy Ruhle-Linda Bonet-Jeff Weborg-Bill Shaishnikoff-ENS
Jerry Butwid-Rusty Hummer-James Ruhle

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The Boundary Line Subcommittee was given the task of providing feedback regarding the Boundary Line issue including reviewing charted boundary lines and marine casualty information to identify any shortcoming to the existing boundary line arrangements. If the boundary line should be moved, the sub-committee shall indicate that need, and may recommend a more suitable reference line such as the Territorial Sea Baseline.

The boundary line subcommittee suggested that they change the current boundary line to the existing line used to define the Exclusive Economic Zone (EEZ) and State water(s) line because fisherman are already familiar with this line due to fishing permits. They also suggested that Great Lakes are considered state waters up until Canadian waters.

Someone stated that new draft lines would help industry, add because most of the zones will be 3 miles off shore

Ms. Hughes asked if it was marked on the on charts?

Mr. Weborg answered yes.

Someone stated that this would be a problem in the Gulf because that region is shared by so many states.

Mr. Switlik questioned, does that move the line out?

Someone answered yes

CAPT Sarubbi asked if they had checked out the casualty zone.

Ms. Bragdon answered no, they did not have enough time.

Someone pointed out that if you look at the casualty rate there could be a legitimate need to have the safety equipment within three miles.

Ms. Hughes questioned Mr. Beach about the statistic that 51% of casualties already occur within the boundary lines. Mr. Beach confirmed that it is the statistic.

Someone asked if any one has charts or mark ups.

Mr. Ruhle made the complaint that casualties are not on the chart like they requested and made the point that power point is not user friendly. He stated that the committee wanted to see an overlay of where the hot spots are in relation to where the line lays.

Mr. Switlik stated that the committee should take a closer look at where the deaths occur, because he thinks many of them happen within three miles.

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Mr. Jenkins stated the committee should keep in mind that Maine is looking at moving the borders out right now, and that could affect their border recommendation.

Ms. Noll suggested that the committee wait and see where the hot spots are.

Mr. Lewis questioned why are the casualties happening and could it be other reasons than because there are three miles.

Mr. Ruhle stated that it is important to pay attention to fishing vessels, the subcommittee tried to find a universal point of reference that every one already uses- and the EEZ is one of these. He stated the existing line is for another industry; not for the fishing industry and he thought this was CFIVAC opportunity to do so they can make the EEZ work through exemptions, where they are necessary. He clarified this is how the government always does it.

Mr. Torrence quoted Gomes that any fool can fish in the open sea but it takes a real sailor to do it once you get inland.

Mr. Meyer stated there are discrepancies in the database and it is important to look at why the risk is so much higher 3 miles inland; because that is where the most traffic is. He stated it makes sense that a high percentage of accidents would happen there it is like the saying that most accidents happen within 1 mile of your home, but that is because that is where you do 80% of your driving.

Mr. Beach clarified some statistics on casualty data. (Taken from CDR Rice's documents.)

Mr. Ruhle stated that if he starts taking on water he will run towards the shore, not away that is another reason why inland numbers are so great.

Mr. Ruhle asked if you have the equipment inside and outside boundaries than why does this matter for life raft or submersion suits.

Mr. Ruhle also asked if all these ships had these and they go down anyways, why bother carrying them at all?

Someone stated that the committee needs more statistics.

Another audience member commented it would not matter unless the committee had a map reflecting the hot spots

Mr. Weborg stated that in a perfect world, how many boats were equipped with everything? If the committee is really supposed to examine these things they need a much larger budget and more meetings. He questioned that we took a line that wasn't germane/efficient and made it germane/efficient then poses the question, would those boats sink if we move it to the shore. We will never know.

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Mr. Torrence stated we needed to identify the areas where casualties are occurring and put preventative measures in place

Chairman Herbert stated that the committee should at least see if there are clusters.

Mr. Weborg stated that if the committee looks at each area it would take forever

Chairman Herbert suggested that the committee should look at exemption possibilities.

Mr. Switlik stated that he feels uncomfortable looking at clam boats with out cold water survival equipment.

Chairman Herbert stated hopefully people will not see the minimums as the maximums, but it is important to measure the risks. Will making equipment carriage help or will moving out the line hurt?

Mr. Weborg asked why don't we just move the line into the beach.

Chairman Herbert stated that in Alaska the boundary is on the beach in many places.

Mr. Weborg asked why the subcommittee spent time finding an alternative, if everyone wanted to keep it the same.

Chairman Herbert stated that the committee wanted to find something that fisherman could identify with more, but they need numbers and facts to do so.

Mr. Switlik asked if the USCG could please research how the original line was founded and suggested that there should be a legislative history on the act. He stated everyone knows where the old boundary line is, but it doesn't necessarily make it a good one.

Someone stated that Boston uses inlets and it is a more traditional/ territorial base line.

Mr. Lewis pointed out that a lot of amateur fishermen buy licenses if they want to fish more than regulations allow. Then he pointed out if they have accidents, they too are considered commercial fishing vessels.

Ms. Bonet stated these amateurs are also raising the numbers of death with in the 3 miles zones.

Mr. Weborg stated that he knows of three missing people in the Great Lakes, while the data sheet has listed only two people, it makes him question the integrity of the data.

Mr. Beach stated that casualties does not mean that someone died, it could means missing boats too, also many deaths could result from one casualty. He suggested maybe that is why it is not in the paper.

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Periodic Exam Subcommittee

The group agreed the five components of Risk Based decision making are decision structure, risk assessment, risk management, impact assessment, and risk communication.

Decision structure should include questioning which types of fishing vessels in any specific region should the local USCG staff consider the highest priority for mandatory (periodic) examination based on the risk of death/injuries that can be effectively influenced by the examination. The subcommittee agreed that decision factors should include risk of death/injury, available USCG resources, observation program objectives, economic influence on the fishing industry, influence on underway boarding strategies. The subcommittee agreed that the RBDM Tool Choice was a matrix based on relative ranking/risk indexing of classes of fishing vessel/gear types. They agreed on the following summary of relative ranking/risk indexing to include vessel owner, flag state, class society, vessel inspection and boarding history, and vessel type.

Others that the categories that the working matrix included:

Weather likely to be encountered

- Hurricanes
- Storms
- Icing

Season

Waters to be fished

- Distance offshore
- Local conditions
- Regional issues (Bering Sea vs. Chesapeake Bay)
- State waters
- Boundary line
- Cold waters

Age of vessel

Construction of vessel

- Wood
- Steel
- Fiber glass

Length of vessel

Fishery/ past history of that fishery

- Pot boats
- Fishery & region paired together (not just crabber, but PACNORWEST Dungeness Crabber)
- Hazardous gear/ gear hanging on bottom

Stability

- Availability of report
- Likelihood of compromised stability from deck loads/ vessel design

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Previous safety violations

Previous CG activity

- 4100 F boardings
- Dockside exams

Crew Factors

- Experience of the captain
- Training of the crew (safety/navigation)
- Logged drills
- Number of persons onboard
- Part time/ full time fishermen
- Communication/ language skills

Proximity of other vessels in terms of collisions and rescue

Duration of voyage

- Work day hours
- Fatigue
- Crew endurance

Availability of vessel survey

Availability of rescuers

Economics of particular fishery

- NMFS regulations/ hardships imposed on fishery
- Derby style fisheries

Station bill onboard

Safety equipment onboard

- Well maintained
- Knowledge in use of equipment

Improved damage control kits & techniques

Insurance company criteria for high risk

Manning (single operator)

As far as the tool was concerned, the subcommittee agreed that the matrix should be further divided by region, also that indicators include crew and human performance factors, human error, response features, and factors. They should be scored on a level of importance of risk priority. It is important to try to create a relative risk priority

Further assessment of factors need to be done, in order to rank factors.

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Ms. Hertel stated that one underlying assumption for this subcommittee is that the decal we have is what we were stuck with, because the data seems to show there are serious shortcomings in the dockside exam. For this task, however, we worked to develop a risk analysis matrix as if this process cannot be changed.

Chairman Herbert stated someone was doing this high-risk assessment with Safe Catch and Safe Return and that this often mimics intuition.

Someone stated that understanding the matrix would help fisherman ahead of time.

Mr. Ruhle suggested that the committee be sensitive when dealing with the decals because if they change participation rules they may actually loose fisherman that were already participating. He clarified by saying it is hard enough for public to accept now, if you change it now participation will go way down.

A representative from the CG Research and Development Center stated there are a lot more categories here than in the port states targeting matrix, and asked if that would decrease user friendliness, or is it a possibility that some categories will be dropped.

Chairman Herbert questioned about regional levels.

Then the CFIVAC went around the room and gave their impressions of the meeting. Overall everyone appreciated the orientation, because it facilitated new members to better participate. They also appreciated the read ahead information and the preparedness of G-MOC. Many declared that they thought this was the most productive CFIVAC meeting they had attended. Everyone thanked G-MOC for their hard work and looked forward to meetings in the future.

The meeting adjourned at 4:00.

Appendix A

Dr. Johnson made the following presentation:

The Society of Naval Architects and Marine Engineers (SNAME) and their focus on Fishing Vessel Operations and Safety (further info on SNAME can be found on the web at: http://www.sname.org/committees/tech_ops/fishing/home.html)

Dr. Johnson stated the Ad Hoc Panel's motivation is:

Commercial fishing remains one of the most dangerous jobs in the United States, despite the implementation of the Commercial Fishing Industry Vessel Safety Act of 1988 and the USCG's Voluntary Fishing Vessel Inspection Program.

This is not a new problem it is the nature of the business. Recent fishing vessel casualties with stability issues as primary cause are:

F/V Amber Dawn: 91 Ft Trawler; 5 Mar 2001; 3 Crew Saved; 2 Crew Lost
F/V Miss Juli: 49 Ft Seiner; 30 Jan 2001; 3 Crew Saved
F/V Little Raspy : 35 Ft Dragger; 12 May 2000; 3 Crew Lost
F/V Beth Dee Bob: 84 Ft Offshore Clammer; 7 Jan 1999; 4 Crew Lost; None Saved

Causation includes:

- Failure to follow stability letters
- Failure to maintain watertight integrity:
 - Watertight doors & hatches
 - Propeller and rudder fittings
- Failure to maintain safety equipment:
 - Pumps, survival suits, EPIRB's, etc.
 - Failure to train for emergencies

Many fishing boat crews are either:

- Unaware of the risks they are taking
- The crews do not respect the risks they are taking when they ignore stability guidance because they have never been shown the true risks they are taking
- Choosing not to acknowledge the relative increase in risk that occurs once basic safety practices are ignored

The Ad Hoc Panel's Mission is to investigate and recommend ways to improve safety awareness in the commercial fishing community. Their target audience is fisherman, boat owners, naval architects, marine surveyors, insurance agents, and governmental regulators. He stated their panel includes fisherman, marine surveyors, naval architects, ocean engineers, academics, governmental regulators, and insurance agents to get input from all concerned parties.

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SNAME is trying to take a holistic approach to Fishing Vessel Operations and Safety by studying:

- Vessel design and construction
- Vessel operation and maintenance
- Crew training and risk awareness
- Voyage planning and weather forecasting
- Fishing regulations
- Ad Hoc Panel's Working Groups
- WG A: Fishing Vessel Stability Criteria

Working Group B (WG B) studies stability letters, stability education, and training; Working Group C (WG C) studies vessel design, production, operations, and maintenance guidelines; Working Group A studies fishing vessel stability criteria.

Working Group A's (WG A) goals include review the effectiveness of existing stability and stability evaluation methods including investigating the feasibility of developing risk based stability criteria.

They investigate various vessel design features to improve safety and survivability. Dr. Johnson stated that one thing they look at is the Torremolinos Protocol, the primary stability criteria used to evaluate fishing boats-

The Torremolinos Protocol is:

- A one size fits all boats in a one size fits all generic storm stability criteria
- Does not factor in the boat's size, its physical characteristics (hull shape, bilge keels, etc.), its heading relative to the seas/wind, or the local makeup of the wave and wind profile

Bill A. Cleary, was quoted on the regulation of ships stability reserve: the Righting Arm Criteria got a start from the work of Prof. Rahola who examined the full static stability curves of between 30 & 40 ships (mostly European coaster passenger and cargo ships longer than 24 meters) all of which had capsized under a variety of circumstances. Rahola suggested several judgment criteria based on a ship having a stability reserve of at least the average of the capsized ships reviewed.

The presentation included the following quotes from Torremolinos Protocol Quotes from J. Rahola Thesis, 1939:

- Page 36: One may state therefore that the judging of a vessel's stability on the basis of the initial metacentric height is insufficient and can easily lead astray.
- Page 37: Provided the block and water line coefficients and the forms of the hull and water line remain the same, then, with increasing length measurements of the vessel, the initial stability moment grows proportionally to length measures. With increasing beam measurements of the vessel, the initial surface stability grows proportional to the cube of the beam measurements.

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The Torremolinos Protocol is the primary stability criteria used to evaluate fishing boats. The Torremolinos Protocol is a purely static still water calculation that is being used to evaluate a complex ever changing dynamic process. The Torremolinos Protocol does not scale with vessel size in terms of safe operations. The USCG has 3 different versions in the CFRs, in addition to the IMO version that can be used. Each version of these criteria is applicable for unrestricted ocean service yet can give widely different results for a given fishing boat.

Torremolinos Protocol Scalability depends on the square-cubed rule; however heeling forces, which depend on water and wind impact areas, go up with the square of the dimensions. The righting moment depends on the displacement, which goes up with the cube of the dimensions. Since the values for the Torremolinos Protocol stability criteria do not change with vessel size, a fishing boat twice as large as another can survive a wave twice as high even though both boats have identical righting arm curves. Both fishing boats will operate in the same sea conditions; thus, bigger is almost always better for the Torremolinos Protocol.

The reasons why scalability is missed are as follows:

- A common interpretation of the Torremolinos Protocol stability criteria is that the area under the righting arm curve represents the fishing boat's "righting energy" which is incorrect.
- Energy (i.e. work) is a force times a distance in units such as lb-ft or N-m.
- The area under the righting arm curve is length times a distance (heel angle) in units such as ft-deg or m-deg.
- The missing force in the righting arm curve is the displacement of the fishing boat.
- The solution to this misinterpretation is to change the terminology to "unit righting energy." This interpretation is correct since the righting arm is righting energy per unit of displacement, m-tons-degrees/ton (ft-tons-degrees/ton).

SNAME suggests exploring other approaches to evaluating a fishing boat's stability

- Benefits of Using a Version of the Severe Wind & Roll Stability Criteria
- See PNA 1988, Vol. 1, pp 87-93 on Dynamic Stability.
- Example – The Severe Wind & Roll Criteria
- The criteria are a quasi-dynamic approach, which may better model for the true dynamic sea conditions a fishing boat experiences.
- The criteria can reflect the fishing boat's actual characteristics such as the presence of bilge keels, a hard chine versus round bottom hull, the wind profile of the superstructure, etc.
- The criteria can be used with varying wind and wave values to evaluate less than storm operating conditions.
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Investigate the Feasibility of Developing Risk Based Stability Criteria

- Geographical Based Criteria
- Example Gulf of Mexico versus Atlantic Ocean
- Seasonal Based Criteria
- New England Coastline Fisheries
- Short Voyage Wind & Wave Based Criteria
- Mid-Atlantic Ocean Clam Fishery
- Effect of Heading on Wind & Wave Based Criteria (needed by WGB)
- Investigate the Risk of Capsize versus the Fishing Boat's Heading
- A fishing boat's risk of capsize varies with its heading relative to the prevailing waves.
- Example, running with the seas increases a boat's capsize risk (broaching).
- The variation of the risk of capsize has not been quantified.
- This information is critical to a fishing boat master.
- Proposed Format for Risk of Capsize Versus the Fishing Boat's Heading
- Example of a polar chart to provide quantitative risk of capsize vs. heading guidance to masters.

Investigate Various Vessel Design Features to Improve Survivability

- The many regional fisheries, the crews, and boat designers/builders have developed unique design features for their boats.

The working group will research these design features such as hull shape, freeboard profile, superstructure arrangement, fishing gear type, etc. to develop recommendations for designers on ways to improve fishing boat safety and survivability.

Working Group C studies vessel design, production, operations, and maintenance guidelines.

The Chairman: Michael Dyer, Volpe Center can be reached at: dyer@volpe.dot.gov; and their Vice Chairman is Richard Hiscock, ERE Associates can be reached at: rch@gmavt.net.

Working Group C's Goals include develop guidelines to address basic fishing boat safety for:

- Vessel design and construction
- Vessel maintenance and survey
- Vessel operations and training/drills

Dr. Johnson stated the problems include:

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- New England Fishing Fleet Risk Assessment
- Capsizing the most deadly accidents, followed by sinking
- Most fatal accidents included poorly designed water/weather tight integrity and/or subdivision, or their degradation by poor maintenance or vessel modifications
- Gear changes and weight additions often contributing factors
- In the absence of standards, even the best-intentioned owner can initiate faulty design “upgrades”.
- D1 Accidents 92-97: Conditional Probabilities
- NOT Reinventing the Wheel

Coast Guard NVICs, class, societies’ codes, marine safety/risk literature, SNAME Small Boat work

- Overseas regulations
- Iceland – Torremolinos Convention stability provisions for all fishing vessels over 6 meters in length
- United Kingdom – Comprehensive hull, mechanical, and electrical systems, hull envelope integrity, stability, freeboard, navigation, lifesaving, and fire protection, for all boats over 12m in length
- New Zealand – Similar to United Kingdom
- WG C Approach
- Scope of Technical Work
- Design and construction
- Maintenance and operations
- Survey and inspection
- Safety management
- Occupational safety

Conclusion

- Looking for SNAME members and input
- Need for more subject matter experts committed to doing the work in each of the Working Groups
- Implementation a key issue

Appendix B

Mr. Womack made the following presentation:

Working Group B studies of stability letters, stability education and training. The Chairman: Lt. Ben Nicholson, USCG; can be reached at: bnicholson@comdt.uscg.mil. Vice Chairman: John Womack, Naval Architect, Mid-Atlantic Shipwrights who can be reached at: shipsjw@aol.com.

Working Group B's Goals include a review of stability letter effectiveness.

SNAME Ad Hoc Panel on F/V Ops & Safety Info stated that SNAME is trying to develop a risk-based loading matrix for stability guidance.

SNAME is in the process of developing an integrated, user friendly stability training program because current stability letters can be ineffective in presenting stability guidance to the crews for the following reasons:

- Technical terms used in stability letters can be confusing or unclear to the crews
- Many stability letters are too complex and the important messages are lost in the boiler plate
- To many crews, the determination of a stability letter is a lot of "black magic"
- Stability letters can have requirements that are impractical for the crews to follow

Technical Terms in Stability Letters:

- Most technical terms such as GM are unknown and meaningless to the crews, only creating confusion.
- The displaying of the numeric stability values doesn't provide the crews with any indication of their boats actual stability.
- Many loading sheets are required to show all conceivable and unconceivable safe and unsafe operating conditions.
- Diagrams can be very confusing if boat has many tanks, holds, or gear.
- Crews may have trouble matching their boat's tanks to the diagrams.

Black Magic Stability Letters:

- The naval architect comes on the boat, hangs three crude looking wire pendulums, moves heavy weights across the deck, and hangs over the side to measure freeboards.
- The naval architect then comes back with a stability letter, often which runs counter to the crew's beliefs on how the boat should be run.
- The crews have no concept of how stability works which leads to this conflict.

Impractical Loading Guidelines:

- Restrictions on catch loadings, tank use, catch handling, etc., that are impractical or impossible for the crew to follow during routine fishing operations.
- Specifying complex loading procedures.

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Specifying Minimum Freeboards or Maximum Allowable Drafts:

- Freeboards are very difficult to accurately measure at dockside, impossible to measure at all while underway.
- Draft marks are not directly viewable from the boat.
- The steaming of the fishing boat creates waves, which will significantly distort any measurement.
- It is physically impossible to expect crewmembers to measure freeboard in heavy seas.
- Yet this is when it is most critical to do accurately!

Impractical Loading Guidelines:

- Specifying a complex process for using a set of fuel tanks, ballast tanks, and or catch loading to meet the stability criteria.
- Crews are typically short handed, not well trained in ship operations, and work long hours to maximize catching effort.
- Specifying loading guidelines that require fishing operations or tank/hold usage that is different than normal fishing practices.

Using Inappropriate Stability Criteria Can Also Reduce a Stability Letter's Effectiveness to the Crews:

- Current stability standards are for a generic storm that fits all size boats, all geographical areas, all seasons.
- Because of this, the standards can be overly conservative for many fisheries, which can cause crews to ignore their stability letters.
- This is one of Working Group A's goals.
- Inappropriate Stability Criteria
- Example, using criteria appropriate for the Canadian Atlantic Ocean on a boat for the Gulf of Mexico.

The primary 'enemy' causing these problems are themselves (naval architects).

The primary blame belongs to the naval architects and regulators who:

- Are providing poor stability guidance to the fishing boat crews and who;
- Are not teaching the crews how to use the stability guidance correctly.
- The "Solution" is Obvious
- Provide crews with location-specific stability guidance that gauges the risks of capsizing based on current loading, weather, and other appropriate factors in a clear and easily comprehensible format.

It is important to teach the crews how to use the stability guidance and the basic concepts of stability to allow them to operate their boat to minimize the risks.

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It is important to talk to the crew, not over them about basic criteria for stability guidance by doing the following:

- Be written to provide guidance, not dictate to the master how the boat should be operated.
- Be clear and easily understood by crews with little or no formal training in seakeeping or stability.
- Use practical operating restrictions on deck loadings, tank usage, and catch haul back limits, etc.
- Be evaluated using location-specific stability criteria appropriate for the boat's operating location and fishing methods.
- Provide a measure of the risk of capsizing for all conceivable loading conditions during a fishing trip.
- Use practical methods for the crew to verify the boat is in compliance with the stability standards.

It is important to provide fishing boat crews with the risk of capsize information because no naval architect or stability criteria can foresee all potential weather and loading conditions the fishing boat may experience during its life. With risk of capsize information, the crews can make educated operational decisions based on current and projected local weather, fishing conditions, and boat loading.

In times of an emergency such as flooding, crews can gauge the severity of the problem by having some knowledge of their boat's current stability safety margins.

A member of the Working Group proposes Using Color Coded Loading Matrixes as the Primary Means of Providing Stability Guidance:

- Provide the crews with a simple load matrix or series of simple load matrixes.
- Color code the matrix to provide a clear and quick visual display of the risk of capsize information.
- Use only variable loadings (tank levels, catch on board, weather and sea conditions, etc.) that crew's can quickly measure to gauge their boat's stability.
- Proposed Color Coding for the loading matrixes.
- Green to indicate normal risk.
- Yellow a higher risk (operate with caution especially if weather conditions are poor).
- Red is danger of capsizing especially if unusual seas or rogue waves may occur.
- Black is for imminent danger of capsizing.

The fishing community should be taught how a boat's stability works because stability is a complex subject with many interactions between the weather, the seas, the boat, and the crew's actions. He further explained that the crew's actions will positively or negatively affect their boat's overall stability levels (that is its risk of capsize).

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A common misconception: The crew using the “feel of the boat” as a gauge to determine if it’s unsafe. Teaching crews about stability will help them to:

- To understand and believe the stability guidance for their boat is correct.
- To understand the quickness that stability problems can worsen so that practicing survival drills is important.
- To understand the importance of maintaining their boats, especially the boat’s watertight envelope.

Primary obstacles to teaching stability to fishing boat crews are:

- Stability is a complex subject with many interactions that are not always intuitive.
- The crew’s seat of the pants feel of their boats stability can run counter to the stability guidance by the Naval Architect.
- The common terms used and intuitively understood by Naval Architects are generally unknown to the crews and others.
- Some of the crews have little or no high level education of any type.

Mr. Womack stated it is important to teach the following about stability:

- A boat’s overall stability can be represented by the interaction of the Center of Buoyancy (B), which is the centroid of the underwater volume, and the Center of Gravity (G).
- A boat’s overall stability can be characterized as a constantly changing risk of capsizing.
- The crew’s actions can positively or negatively affect the boat’s overall stability and thus, the risk of capsizing.
- The initial stability of the boat cannot be used to gauge the boat’s overall stability level.
- When the stability of the boat is reduced, the crew often has little or no warning that capsizing is imminent.
- Do Not Attempt to Teach Crew’s How to Calculate Their Boat’s Stability
- Teaching crews how to calculate stability is impractical, the subject is too complex for crews with little or no education.
- There is not the time or the equipment on small fishing boats for crews to calculate stability.
- Calculating stability is the responsibility of the Naval Architect who thoroughly understands all aspects of stability.

Proposed teaching methodology that would:

- Use an integrated verbal presentation and written follow-up manual that is usable both onboard a boat and at large meetings.
- Keep the lessons short and use multiple teaching sessions.
- Use diagrams that resemble current hull forms and fishing arrangements.
- Use physical models the crews can directly interact with to demonstrate various points.

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Using a verbal presentation as the primary teaching method because:

- The verbal presentation allows for on the spot questions and discussions by the participants.
- The verbal presentation can be easily modified to explore a particular boat's unique stability or fishing characteristics.
- Conversely, the verbal presentation can also be easily modified to not deal with some stability topics that do not apply to a particular boat to minimize potential confusion.
- Use short, multiple lessons to keep the crews interest.

It is important to use multiple lessons to not overload the crews with information, because once they become confused or do not learn the lesson's subject, all further teaching is a waste of time. He explained that crews are generally not being paid for their time while at the lessons, they have work to do on the boat or want the time off for family, friends or fun off the boat. He reemphasized the importance of use diagrams that resemble current hull forms and fishing practices, this is important so that the diagrams will seem valid to the crews.

Examples of their future product:

The crew's actions affect their boat's stability level, i.e. Risk of Capsize in several ways:

- The risk of capsize can be directly affected by how the crew stows the catch, uses fuel and water, or the particular fishing methods used.
- The risk of capsize can also be affected by the seamanship used by the crew when in a storm or other abnormal sea conditions.
- The feel of the boat cannot be used by the crew to gauge the boat's true risk of capsize.

The difference between initial stability vs. overall stability

The initial stability that crews typically "feel" should not be used to gage overall stability (risk of capsize).

It is important that the stability charts show:

- The increased risk of capsizing by showing the reduction in the righting arm curve.
- Breakdown reduction in righting arm curve into steps called "strikes" against the boat.
- He gave the example of water on the deck.
- Strike One – Added weight reduces freeboard.
- Strike Two – Weight added high increasing G.
- Strike Three – Free surface effect of water on deck.

Examples and physical models the crews can interact with, such as:

- The diagrams and physical models used must be similar to existing fishing vessel arrangements to be believable to the crews.
- The generic examples of loading, fishing methods, and seamanship's effect on stability must reflect actual procedures used by the crews to be believable.
- Actual results from the crew's boat where practical for the generic examples.

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Benefits to having crews interact with physical models include:

- Physical models allow crews to directly explore the effects of their actions on the boats stability.
- When the crews capsize the model, the lesson will be more believable and thus accepted.
- Physical models must be easily transported to allow use at dockside presentations.
- Force gauge will show the effect of the crews adding weights, free surface, etc. directly.
- Use a range of heel angles to show the effect on the initial and overall stability levels.
- Use interchangeable modules to explore different effects on a boat's stability levels.
- Example shows different free surface modules.

WGB's Short Term Goals include:

- Survey the fishing community on the feasibility of using color-coded load matrixes for providing stability guidance.
- They plan on developing a set of guidelines for Naval Architects for using color coded load matrixes and recommended related stability guidance formats.

WGB's Long Term Goals include developing an integrated stability-training program suitable for dockside and large meetings. SNAME T&R research project has been funded. As well as develop a revised version of the "USCG's Guide to Fishing Vessel Stability" booklet. This booklet will complement the integrated stability-training program.

Appendix C

LT Russell Holmes presented information on the Vessel Security Branch within the Maritime Security Directorate at CGHQ. He stated that he would speak today about the big picture as it relates to Port Security, specifically how the USCG has shifted resources since Sept 11th.

Before 9/11, the USCG focused most of its resources on conducting:

- Counter drug Patrols in the Caribbean and Eastern Pacific
- Fisheries off New England & Alaska
- Routine Maritime Safety activities in the ports and immediately off the coast
- Search & Rescue wherever & whenever necessary

In the immediate aftermath of the terrorist attack, the Coast Guard reassessed all missions and reallocated its operational forces with the intent of meeting domestic port security/harbor defense requirements. He then described some of the major shifts:

- Major cutters and patrol boats were diverted immediately from other missions and recalled from in-port maintenance periods to patrol/control vessel movements at the approaches to all major ports.
- Elements of four of six Port Security Units were mobilized domestically in conjunction with the Secretary's authority to augment active duty forces and assist with the security zone enforcement and vessel escorts in the ports of Boston, New York, Puget Sound, and LA/LB.
- USCG aircraft have been dedicated to providing reconnaissance and surveillance of offshore waters/approaches to US ports, and FEMA support.

The USCG took unprecedented action to shift from normal operations to a heightened state of security to ensure our ports and waterways remain safe and secure. He stated some of the measures included:

- After the initial closure of the U.S. ports—a move that was instituted to obtain more information and exercise greater control over the vessels already in our waters—the Coast Guard implemented several new procedures to ensure the security and safety of our waterways, vessels, and people in and around our ports. These new measures included:
- Security Zones and Restricted Navigation Areas;
- Tighter controls over the movement and operation of vessels carrying cargoes that may be of significant risk to a port (including flammable and toxic gases and liquids); and
- Vessel Escorts and at sea armed boardings known as “Sea Marshal Program” to ensure vessel remains under safe positive control.

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In order to support the manpower requirements for the increased operational tempo, the USCG tapped existing sources of trained personnel to carry-out these missions through the following means:

- The USCG augmented our regular forces by recalling over 2700 Selective Reserve members to assist with the port security mission.
- The USCG expanded the USCG Auxiliary support to the active duty Coast Guard, as well as state and local agencies, to provide assistance in disaster relief and contribute to the increased Coast Guard mission profile.
- The resources to implement the range of activities being implemented in the wake of the disaster are now being provided by a broader spectrum of sources ranging from private, local, state, or federal agencies.
- The decision to implement specific security measures is left up to the discretion of the local USCG Captain of The Port who consults with the local Unified Command structure to implement measures that adequately address the risks in each port. He stated that as a result, vessel operators who are transiting to and from U.S. ports today should be aware of the measures that are being taken and their intended effectiveness.

Additional steps to build overall maritime domain awareness by instituting regulatory changes to achieve greater and earlier notification of the personnel, vessels, and cargo that are operating in the U.S. maritime domain.

There was an emergency rulemaking that took place on October 4th, 2001 that expand the Notice of Arrival requirements for vessels en route or operating in U.S. waters. These temporary requirements would remain in effect until June 15, 2002, by which time the USCG intends to have issued a permanent change to the Notice of Arrival (NOA) requirements that incorporate the provisions of the temporary rule.

He stated the temporary Notice of Arrival Requirements, applicable to vessels that are greater than 300-GT, incorporated the following changes:

- Requires information about persons onboard these vessels;
- Suspends reporting exemptions for vessels operating in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER) for some vessels operating on the Great Lakes, and vessels on scheduled routes;
- Expands the usual NOA notification period from 24 to 96 hours prior to port entry; and
- Requires submission of reports to a single national clearinghouse.

The transition to centralized reporting dramatically changed the way the USCG and maritime industry processed reports on vessel arrivals. Previously, vessel arrivals were reported directly to the local COTP where the vessel would be arriving. Often the local COTP was very familiar with the format of the report, as well as the vessel, it's intended location, and the anticipated operation. The familiarity with the routine was lost as a result of the shift to centralized reporting. As a result, the local formats, nomenclature, and limited information that were routinely used in the past often resulted in additional confusion, delayed entry, and erroneous reporting under the centralized system.

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To remedy this situation the National Vessel Movement Center developed a MS Excel document, available on their website, that provides owners/operators/agents with a standardized report format. The use of this report format is highly encouraged, as it has dramatically reduced the number of data entry errors. The USCG is considering implementing mandatory requirements for electronic reporting as part of the final notice of arrival requirements.

The USCG initiated both formal (IMO) and informal outreach efforts with many private, local, state, and federal organizations that have a vested interest in the security of the maritime industry. The focus of the outreach was an attempt to foster cooperation and promote voluntary initiatives to improve security in all aspects of the shipping industry. Plans for the future include:

- The USCG will be partially sponsoring an Intercessional group meeting on Maritime Security at IMO February 11 – 15, 2002. The purpose of the intercessional meeting will be to review the existing measures and procedures to prevent acts of terrorism, which threaten the security of passengers, crew, and ships; as well as to consider new proposals that may be submitted by members.
- The USCG's challenge for the future is to determine what the "new normalcy" represents in terms of mission requirements and the associated operational activity. (MARSEC LEVELS)
- One of the key components of the USCG's security planning is that the owner/operator/industry will be responsible for conducting the necessary planning as well as providing the resources needed to carry out the security activities at each level. Activities to be conducted by the industry include items such as planning, physical security, access controls, cargo screening, waterside security, escorts, etc. Much like today's safety requirements, the USCG's role will be limited to oversight and enforcement of these activities.

Some of the specific organizations that the Coast Guard has worked since the September 11th attacks with include:

- International Chamber of Shipping
- International Council of Cruise Lines
- The Baltic and International Maritime Council
- U.S. Passenger Vessel Association
- American Association of Port Authorities
- American Waterways Operators

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New Normalcy atmosphere was described as the following:

- For USCG resource planning, they have structured activities and resources around three security levels: MARSEC 1, MARSEC 2, and MARSEC 3.
- MARSEC 1 – Is defined as the “new normalcy”. The activities and resources needed to support this security level will be based on a higher tempo than existed on September 10th, but somewhat lower than the tempo we have known since September 11th.
- MARSEC 2 – Is defined as a “heightened awareness”. It is anticipated that a port or region might be at MARSEC 2 for a period of weeks or months. During which time, security related activities would be increased from the new normalcy.
- MARSEC 3 – Is defined as “incident imminent”. It is anticipated that a port or region might be at MARSEC 3 for a period of days to a few weeks. This is the only level at which the Coast Guard has identified resources that can be brought in to augment the basic security functions required under MARSEC 1 and 2.

In order to better define the activities that are needed for an effective and efficient Maritime Security program, the USCG has developed a security strategy that is based on four key principles:

- Domain Awareness is the knowledge of ships, cargo, and people in or approaching our domain and the ability to differentiate threats from benign activity.
- Prevention, the cornerstone of our homeland security strategy, must be accomplished by two means. The first is looking outwards and influencing events beyond our borders. We must obtain information to identify and eliminate threats before they reach our homeland. The second strategy is focusing inward at our homeland and making our key assets and facilities more secure and less vulnerable to terrorist attack.
- Crisis Response deals with minimizing the effects of threats as they start to unfold.
- Consequence Management attempts to mitigate the aftereffects of incidents once they occur. It includes minimizing the loss of life and property; ameliorating damages and suffering; restoring public services for public health, safety and security; and reconstituting the economy and environment to normal levels.

The USCG recognizes the commercial trade-offs between increased security and the quantity and speed at which commerce flows through the transportation system. The USCG believes that if we continue to focus efforts on crisis response and consequence management, we will not be able to strike an efficient balance between these competing demands. Accordingly, in order to manage this balance and provide the best return on our investment of people and equipment, we seek to focus our efforts on Domain Awareness and Prevention related activities:

- Since the USCG didn't have an adequate awareness of the vessels operating in our maritime domain prior to Sept 11th, our initial security response was limited to the temporary closure of our ports.
- By building a better awareness of the vessels, personnel, and cargo operating in our ports we hope to be able to better focus our oversight and enforcement efforts. Those operators that demonstrate an ability to provide adequate security screening and enforce strict chain of custody for their vessels will be allowed to “fast track” through the U.S. system.

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The USCG will be working with the maritime community to develop proposals that are aimed at improving our knowledge about the vessels, people, and cargo that are moving on the water. Some of the specific issues that we are considering include:

- Reviewing the issues related to their installation of automatic identification systems on ships.
- Reviewing the need for identification verification and background security checks for seafarers.
- Ensuring a secure chain of custody for containers, from their port of origin to their destination.

The USCG is increasing our awareness of the vulnerabilities inherent in the maritime industry and plans on developing effective strategies to mitigate these vulnerabilities and prevent catastrophic results from terrorist attacks. One of the prevention activities that the USCG has stressed since the earliest stages is the extension of formalized security planning for:

- All major ship classes
- Port facilities
- Off-shore terminals

The USCG recognizes that many operators have already taken steps to formalize their security plans as part of their regular business practices. The USCG hopes to build on these initial steps, as well as the international guides already in place for the passenger and ferry vessels, to promote the safe and secure operations in all facets of the maritime industry.

As we continue to build our domain awareness, the Advanced Notice of Arrival final rule is expected to include all vessels including fishing vessels less than 300 GT. In addition, crewmember lists may have to be reported electronically.

LT Holmes recommended that members see the list of suspicious activity examples on MSO San Francisco Info Bulletin available on the web at:

<http://www.uscg.mil/d11/msosf/portnews/pub/intel2b.pdf>

Fishing vessels could be proactive on several levels, as far as planning/prevention issues that can be immediately developed for the fishing vessel industry. These include:

- Establishing physical security/countermeasures.
- Establishing a distress signal/silent alarm between the company and vessels. The silent alarm would alert the company in the event of a hijacking or similar situation.

Appendix D

Mrs. Frances Fragos-Townsend, Director of Intelligence, presented on the USCG Intelligence Program. The program is not new; it started during the prohibition by breaking Rumrunners' codes and ciphers. They practice interagency law enforcement cooperation, and have established the value of USCG intelligence.

The USCG stresses using Maritime Domain Awareness (MDA). MDA is the effective understanding of all activities within the region that threaten safety, security, and sovereignty of the US. MDA will provide real time tracking of people, cargo, and vessels. To achieve MDA there must be a multi-agency cooperation at all levels of government (local, state, and federal), and a strong partnership with the private sector.

The following important contact numbers were distributed:

Critical/Emergency	911
National Response Center, CG Headquarters	800-424-8802
Atlantic Area//District 5, Portsmouth, VA	757-398-6390
District 1, Boston, MA	617-223-8555
District 7, Miami, FL	305-415-6800
District 8, New Orleans, LA	504-589-6225
District 9, Cleveland, OH	216-902-6117
Pacific Area// District 11/ Alameda, CA	510-437-7301
District 13, Seattle, WA	206-220-7004
District 14, Honolulu, HI	808-541-2500
District 17, Juneau, AK	907-463-2000

Examples of unusual or suspicious activity included unfamiliar individuals taking photos, notes or sketches near commercial/passenger vessel activities, bridges or waterside facilities; loitering near or asking specific questions about commercial/passenger vessel or waterside facilities; attempts to rent/buy fishing or recreational vessels with cash for short term use; attempts to gain access to waterside facilities without proper ID; vessels circling in and around pilings, particularly near commercial traffic; loitering offshore, near commercial/passenger vessel activities; other items of concerns suspicious attachments to bridges and overpass; unusual packages or deliveries; recently established vendors and roadside food stand near commercial / passenger terminals or waterside facilities.

Example of Maine's Coast Watch that has formed since September 11th. It is a test community outreach program created with FBI. It encourages those who work at sea and coastal communities to participate in efforts to protect our shores. It provides number to report suspicious activities 1-866-455-8238. It has a Coast Guard Investigative Service agent coordinate with FBI to investigate suspicious activity. It forms partnerships with private companies and creates port investigative/information teams.

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Mr. Ruhle brought up a concern of being the eyes and ears of the USCG. He stated that fishermen are basically wearing an electronic bracelet and if they are giving valuable information then they need protection. He stated that all a person who is angry would have to do is go to the center in Gloucester, MA and find out how to target them. They need protection.

Ms. Townsend stated she does not have all the answers and stated that she could not agree with him more, and it is incumbent upon the USCG to find an answer.